



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

NR0230E1

-
25th Session
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O. Eng.

Brussels, 31 January 2002.

POSSIBLE AMENDMENT OF THE TEXTS OF SUBHEADINGS 0805.40 AND 2009.2

IN ORDER TO ALIGN THE FRENCH AND ENGLISH VERSIONS

(PROPOSAL BY ALADI)

(Item III.B.1 on Agenda)

I. BACKGROUND

1. In June 2001, the Secretariat received a letter from ALADI (Asociación Latinoamericana de Integración) concerning the scope of HS subheadings 0805.40 and 2009.20. ALADI was of the opinion that these subheadings (which refer to "Grapefruit" and "Pamplemousses et pomelos" in the English and French versions of the HS Nomenclature, respectively) could be misaligned. For that reason ALADI wanted the Secretariat to specify the species (with scientific names) which were included in subheadings 0805.40 and 2009.20¹.
2. In its response to ALADI, the Secretariat referred to the history of these subheadings and concluded that these subheadings had the same scope in English and French. Furthermore, the Secretariat wondered whether it was really necessary to introduce scientific names in the subheadings at issue, or in the corresponding Explanatory Notes, taking into account that different taxonomic systems were used for the *Citrus* genus. The Secretariat's response is reproduced in the Annex to this document.

II. NOTE FROM ALADI

3. On 26 September 2001, the Secretariat received the following additional note from ALADI concerning this subject :

¹ This subheading was amended 1.1.2002

Note : Shaded parts will be removed when documents are placed on the WCO documentation database available to the public.

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4. "With relation to a discrepancy arisen between two member countries, the Latin American Integration Association (LAIA) General Secretariat remitted, on June 26th 2001, a letter ALADI/SGA-COM-176-01, informing that Secretariat about an apparent misalignment between the French and English texts of subheadings 0805.40 and 2009.20. The problem arose when a bibliographical search on the subject revealed that in the French text, the terms "pomelo" and "pamplemousse" referred to two different species, *Citrus maxima* and *Citrus paradisi* (and were not two different names for the same product), while in English the term "grapefruit" embraces only one species, the *Citrus paradisi*. In the above-mentioned letter, the LAIA General Secretariat requested to be informed in a precise way about the content of the subheadings in question.

5. This General Secretariat has recently received a letter 01NL0809 - GI/FI which under the title "Scope" expresses :

"Scope

The Secretariat has carried out a study concerning the history of these sub-headings. The study revealed that the text of subheading 0805.40 was based on a proposal from the Secretariat. In its working document (Doc. 21.802 (November 1975)) the Secretariat gave this explanation for its proposal (paragraphs 29 to 32 of the document) :

"The Secretariat had to decide whether the terms "pamplemousses" and "pomelos" (heading 0806.20 - renumbered as 0805.40 at a later stage), which are translated into English by the one word "grapefruit", should be considered synonyms or whether, on the contrary, they described different kinds of fruit.*

It seems that only pomelos, which the trade incorrectly calls "pamplemousses" are marketed commercially. The real pamplemousse, which is much larger than the pomelo, accounts for hardly any international trade.

In order to avoid confusion, both names have been provisionally retained in the French version of the structured nomenclature and the descriptor list."

At its 41st Session (November 1978), the Nomenclature Committee adopted this subheading without modification (Doc. 24.700, Annex D/4, paragraph 9).

From the foregoing it seems quite clear that it has been agreed in the past that "grapefruit" corresponds to "pamplemousses et pomelos", and that the sub-headings at issue have the same scope in English and French."

6. In the third paragraph transcribed the World Customs Organization (WCO) Secretariat admits that "pamplemousse" constitutes an incorrect denomination for "pomelo" and that it does not have commercial relevance in relation to "pomelo". The fact that the WCO affirms that "pamplemousse" is an incorrect denomination for "pomelo" implies an acceptance that "pamplemousse" belongs to a different species from that of "pomelo". With respect to this, we do not understand the conclusion reached by the WCO Secretariat in the last paragraph transcribed; taking into consideration the same arguments, our conclusion is exactly the opposite.

7. On the other hand, this General Secretariat considers that to maintaining the term "pamplemousse" in the French text does not "to avoid confusion" but continues to generate confusion, since it implies adding a different species and thus extending the content of these subheadings in the French texts with respect to the English texts.

8. In addition, in a search carried out by this General Secretariat, it has been noted that the term "pamplemousse" that appears in the French texts, belonging to the *Citrus maxima* genus (or *Citrus grandis* according to other publications) and whose common name in English would be "shaddock or pummelo", is cultivated in order to be used in perfumes and confectionery. It has not been possible to obtain data about the international trade in this product in particular, but we consider that if the product is cultivated and processed there could be international trade. In any case, it does not seem to be a valid argument to keep in a subheading a species not belonging to that subheading just because the species in question does not have a proved commercial market.
9. Taking into account the above-mentioned considerations, this General Secretariat understands that there is a difference of content between the English and French texts of subheadings 0805.40 and 2009.20 and therefore, the Harmonized System Committee or the Review Sub-Committee should consider :
- if the *Citrus paradisi* is the only species included in both subheadings, the term "pamplemousse" should be suppressed from the French text of these subheadings;
 - on the other hand, if the *Citrus paradisi* and the *Citrus maxima* are the species included in the subheadings in question, and the intention is to maintain the common names, both common names of the species *Citrus maxima*, i.e., "shaddock or pummelo", should be added in the English version.
10. However, this General Secretariat prefers that the species included in the subheadings concerned be also denoted or exclusively denoted by its scientific name because this allows a precise definition of the content of the subheadings, taking into consideration, moreover, the fact that these texts have to be translated into other languages."

III. SECRETARIAT COMMENTS

11. The Secretariat can understand that **ALADI** wants to improve the present legal texts. A situation with two references to a commodity in one official language and only one in the other official language does not seem very logical, especially for administrations which have to translate these texts into the other languages. However, as pointed out in the Secretariat's response to **ALADI** (see Annex), the Nomenclature Committee (November 1978) decided that these subheadings had the same scope in English and French.
12. Furthermore, as mentioned in the Secretariat's letter, when the Harmonized System Committee in 1999 discussed the classification of bitter limes referred to as "*Citrus Latifolia*", it was difficult to agree on a taxonomic system for the *Citrus* genus. Some delegates were of the view that the taxonomic system authored by C. Swingle should be used while other delegates were in favour of the system authored by Tanaka.
13. In the Secretariat's view, there are four options to consider before the Sub-Committee :
- (a) Alignment of the texts by deleting a reference to "pamplemousse" in French;
 - (b) Alignment of the texts by adding a reference to "shaddock or pummelo" in English;

- (c) Insertion of scientific names in the subheadings to clarify the scope; or
- (d) Keep the present situation.

14. According to "Harrap's Compact Dictionnaire (Anglais-Français/ Français-Anglais)", "grapefruit" corresponds to "pamplemousse", and *vice versa*. "Pomelo" is not mentioned in this dictionary's English part, while "pomélo", according to the French part, should correspond to "pomelo". Both "The Concise Oxford Dictionary" and "Petit Robert" have references to "grapefruit" and "pomelo" ("pummelo") and "pamplemousse" and "pomélo", respectively. However, while "Oxford" refers to "pomelo" as "*Citrus Maxima*", "Petit Robert" refers to "pomélo" as "*Citrus paradisi*".

15. Based on this information, the Secretariat believes that the best solution would be to insert a reference to pomelos in the English texts after "grapefruit" and "grapefruit juice" in subheadings 0806.40 and 2009.2, respectively, to make these texts clearer (as in the Explanatory Note to heading 08.05, Item 3)). The subheadings at issue could therefore read :

"0805.40 - Grapefruit, including pomelos" and
(2009.2) "- Grapefruit (including pomelo) juice"

16. As to the insertion of scientific names, the Secretariat is still reluctant to follow this proposal. This view is also, in the Secretariat's view, confirmed by "Citrus of the World", a handbook issued by the French National Institute of Agronomical Research, where the following introductory statement is given :

"Citrus belongs to a group of plants that botanists and horticulturists have tried to classify, over the past three centuries, into coherent species and genera. Various attempts were made to organize what is now appearing as a pool of complex genetic diversity. Being also a social and cultural crop, countless vernacular names, resulting from oral tradition, were bestowed to citrus varieties and cultivars.

Furthermore as one of the major fruit commodity in modern agricultural production an increased number of citrus cultivars are presently identified under brand names. No wonder therefore that today's visitors of the Hesperids Garden confront difficulties of identification !

The present handbook is an outcome of the close collaboration recently established among various national citriculturists and pomologists. It is aimed at proposing a first step of standardization and classification of the citrus fruits, within the framework of the Japanese Tanaka system. Although far from being unanimously accepted, the latter has the advantage of proposing more detailed descriptions. An equivalence is given with the more synthetic American classification of Swingle for easing the access to this document.

The various tables are sorting out the varieties by alphabetical order with official and sometimes conventional spellings, and corresponding binomial Latin labellings proposed by Tanaka, when available. A synthetic presentation of numerous citrus hybrids is also proposed."

17. An extract of the above-mentioned tables clearly indicates the differences between the Tanaka Names and the Swingle Names with regard to the proposed scientific names for grapefruit and pomelo :

CITRUS CLASSIFICATION

Tanaka Name	Swingle Name
Citrus panuban (Wester) Tanaka	Citrus maxima
Citrus pseudograndis hort. ex Shirai	Citrus maxima
Citrus pseudogulgul hort. ex Shirai	Citrus maxima
Citrus suizabon Tan.	Citrus maxima
Citrus truncata hort. ex Tanaka	Citrus maxima
Citrus ampullacea hort. ex Tan	Citrus paradisi
Citrus anonyma hort. ex Yu. Tan.	Citrus paradisi
Citrus asahikan hort. ex Tanaka	Citrus paradisi
Citrus aurantiaca hort. ex Tanaka	Citrus paradisi
Citrus flavicarpa hort. ex Tanaka	Citrus paradisi
Citrus glaberrima hort. ex Tanaka	Citrus paradisi
Citrus hassaku hort. ex	Citrus paradisi
Citrus himekitsu Hort. ex Yu. Tan	Citrus paradisi
Citrus hiroshimana hort. ex Yu. Tanaka	Citrus paradisi
Citrus intermedia hort. ex Tanaka	Citrus paradisi
Citrus iwaikan hort. ex Yu. Tanaka	Citrus paradisi
Citrus kotokan	Citrus paradisi
Citrus medioglobosa hort. ex Tanaka	Citrus paradisi
Citrus miaray Wester	Citrus paradisi
Citrus mitsuharu Hort. ex Yu. Tanaka	Citrus paradisi
Citrus natsudaikai Hayata	Citrus paradisi
Citrus obovoidea hort. ex I. Takah	Citrus paradisi
Citrus omikanto hort. ex Yu. Tanaka	Citrus paradisi
Citrus otachibana hort. ex Yu. Tanaka	Citrus paradisi
Citrus paradisi Macfad	Citrus paradisi
Citrus pseudoparadisi hort. ex Yu. Tanaka	Citrus paradisi
Citrus rugulosa hort. ex Tanaka.	Citrus paradisi
Citrus sulcata hort. ex Tak	Citrus paradisi
Citrus tengu hort. ex Tanaka	Citrus paradisi
Citrus tosa-asahi hort. ex Yu. Tanaka	Citrus paradisi
Citrus yamabuki hort. ex Yu. Tanaka	Citrus paradisi
Citrus yuge-hyokan hort. ex Yu. Tanaka	Citrus paradisi

IV. CONCLUSION

18. Taking into account the comments by **ALADI** and by the Secretariat, the Sub-Committee is invited to examine the draft texts set out in paragraph 15 above and to decide whether scientific names should be inserted in these subheadings .

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Letter from the Secretariat to ALADI

“Thank you for your above referenced letter concerning the scope of HS subheadings 0805.40 and 2009.20.

It appears that you are of the opinion that these subheadings (which refer to “Grapefruit” and “Pamplemousses et pomelos” in the English and French versions of the HS Nomenclature, respectively) could be misaligned. For that reason, you would like the Secretariat to specify the species (with scientific names) which are included in subheadings 0805.40 and 2009.20.

Scope

The Secretariat has carried out a study concerning the history of these subheadings. The study revealed that the text of subheading 0805.40 was based on a proposal from the Secretariat. In its working document (Doc. 21.802 (November 1975)) the Secretariat gave this explanation for its proposal (paragraphs 29 to 32 of the document) :

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From the foregoing it seems quite clear that it has been agreed in the past that “Grapefruit” corresponds to “Pamplemousses et pomelos”, and that the subheadings at issue have the same scope in English and French.

We can also inform you that in the English version of the Explanatory Notes, a reference to “(including pomelos)” has been inserted after “Grapefruit” to make this quite clear (Explanatory Note to heading 08.05, Item 4**).

Scientific names

To make the scope of the subheadings concerned (subheadings 0805.40 and 2009.20) absolutely clear, you have asked the Secretariat to identify the scientific names for grapefruit (pamplemousses et pomelos) covered by these subheadings.

* Renumbered as 0805.40 at a later stage

** Renumbered Item (3) in the HS 2002

According to "Citrus of the World" (A citrus directory), a number of important taxonomic classifications have been proposed, each different in their own way, for the *Citrus* genus. When the Harmonized System Committee in 1999 discussed the classification of bitter limes referred to as "*Citrus Latifolia*", some delegates were of the view that the taxonomic system authored by C. Swingle should be used while other delegates were in favour of the system authored by Tanaka.

Taking into account this information, and bearing in mind the clarification that "grapefruit" corresponds to "pamplemousses et pomelos" (see above), the Secretariat wonders whether it is really necessary to introduce scientific names in the subheadings at issue, or in the corresponding Explanatory Notes.

However, if you are of the opinion that that this question should be submitted to the HS Committee (or the Review Sub-Committee) for consideration, the Secretariat would be pleased to put forward a proposal from your Organization in this respect."
